

RESPONSE TO NOTICE OF DEFECTIVE APPEAL BRIEF Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No.	RIGL-036CIP
	Confirmation No.	5176
	First Named Inventor	Joseph Fisher
	Application Number	09/293,670
	Filing Date	April 16, 1999
	Group Art Unit	1639
	Examiner Name	Teresa D. Wessendorf
	Title:	<i>"MULTIPARAMETER FACS ASSAYS TO DETECT ALTERATIONS IN CELLULAR PARAMETERS AND TO SCREEN SMALL MOLECULE LIBRARIES"</i>

Sir:

The communication of April 6, 2009, indicates that the Appeal Brief filed on May 7, 2008, is defective because "a listing of the prior art relied upon in the rejection of claims" is missing.

However, the rules do not require such a listing (see MPEP §1205.02) and, as such, it is submitted that this communication was sent in error.

Such a listing should, however, be present in the Examiner's Answer, which should be drafted by the *Examiner*, not the Appellants. See MPEP §1207.02. As such, the communication may have been sent in error because of a mis-reading of the rules.

In view of the above, the Applicants submit that this case should proceed to appeal without further delay.

Respectfully submitted,
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Date: April 14, 2009

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